

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

BRIAN GOFF,)	CASE NO. 4:25-cv-00259
)	
Plaintiff,)	JUDGE BENITA PEARSON
)	
v.)	
)	
TRACO INTERNATIONAL GROUP S. de R.L.,)	<u>DECLARATION OF</u>
)	<u>SCOTT PERLMUTER</u>
)	
Defendant.)	

I, Scott Perlmutter, pursuant to 28 U.S.C. § 1746, hereby declare under penalty of perjury that the following is true and correct to the best of my personal knowledge, information, and belief:

1. I am counsel for the Plaintiff in the action captioned above, and I was also counsel for Plaintiff in the underlying medical malpractice action styled *Estate of Ferrell Goff v. Steward Trumbull Memorial Hospital, Inc., et al.*, Trumbull County Common Pleas Case No. 2022 CV 01323.
2. The underlying medical malpractice case was mediated on April 16, 2024.
3. The various Defendants, including Dr. Mboutidem Etokakpan, were represented by attorney Rocco Potenza. Mr. Potenza was retained by the Defendants in that action through their insurance carrier, TRACO International Group S. de R.L.
4. A representative from TRACO International Group S. de R.L. participated in the mediation via Zoom, and agreed to a settlement in the amount of \$535,000 on behalf of all Defendants.
5. Shortly after the mediation, I understand that Mr. Potenza lost contact with TRACO International Group S. de R.L.

6. After Dr. Etokakpan assigned his contractual rights to my client, I began to reach out to TRACO International Group S. de R.L. directly at the phone number listed on Dr. Etokakpan's certificate of insurance. I left numerous voicemails but never received any call back.

7. After attorney Timothy Walsh entered an appearance for TRACO International Group S. de R.L. in the Steward Health Care System bankruptcy, I attempted to reach him numerous times – both by phone and via e-mail - to see if he would facilitate payment of my client's settlement. He has never responded to any of my attempts to contact him.

8. My e-mails to Mr. Walsh are attached hereto.

s/ Scott D. Perlmutter
SCOTT D. PERLMUTER (0082856)



Scott Perlmutter <scott@tittlelawfirm.com>

Estate of Ferrell Goff v. Dr. Mboutidem Etokakpan - TRACO Matter

2 messages

Scott Perlmutter <scott@tittlelawfirm.com>

Fri, Jan 31, 2025 at 5:36 PM

To: twwalsh@steptoe.com

Bcc: BrianGoffZ10060026@tittleperlmutter.filevineapp.com

Mr. Walsh -

I represented the Estate of Ferrell Goff in a medical malpractice case in Trumbull County, Ohio that was settled on April 16, 2024. The probate court approval of the settlement took some time, largely due to the Steward bankruptcy filing, but I've attached the probate court's settlement approval, as well as the Complaint from the trial court matter.

The defendant doctor, Mboutidem Etokakpan, was insured by TRACO. TRACO participated in the mediation of the medical malpractice case and agreed to the settlement. However, I understand that Mr. Potenza can't get a response from TRACO about how to get the settlement paid.

Can you facilitate payment of the settlement proceeds (\$535,000) or otherwise point me in the right direction as to how to get this matter concluded?

Thank you.

Scott D. Perlmutter

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2 attachments

 **Goff Probate Entry.pdf**
281K

Goff.Complaint.Timestamped (1).pdf 1082K

Scott Perlmuter <scott@tittlelawfirm.com>
To: twwalsh@steptoe.com
Bcc: BrianGoffZ10060026@tittleperlmuter.filevineapp.com

Wed, Feb 5, 2025 at 5:46 PM

Mr. Walsh -

Following up on this. I have an assignment of Dr. Etokakpan's rights against TRACO, so I intend to pursue that if I can't get anywhere with you.

[Quoted text hidden]